

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

GEM YIELD BAHAMAS LIMITED and GEM  
GLOBAL YIELD LLC SCS,

Petitioners,

vs.

MULLEN TECHNOLOGIES, INC. and MULLEN  
AUTOMOTIVE, INC.,

Respondents.

Case No. 1:24-cv-001120-KPF

Related Case No. 1:23-cv-11268-KPF

Hon. Katherine Polk Failla

**RESPONDENTS' AND PETITIONERS' SUPPLEMENTAL  
JOINT RULE 56.1 STATEMENT OF UNDISPUTED MATERIAL  
FACTS IN SUPPORT OF RESPONDENTS' AND PETITIONERS'  
RESPECTIVE MOTIONS FOR SUMMARY JUDGMENT**

Pursuant to this Court's May 31, 2024 Order (*see* ECF No. 83), and in accordance with Local Rule 56.1, Respondents Mullen Technologies, Inc. ("MTI") and Mullen Automotive, Inc. ("MAI," and together with MTI, "Respondents") and Petitioners GEM Yield Bahamas Limited and GEM Global Yield LLC SCS (collectively, "GEM" or "Petitioners," and together with Respondents, the "Parties") submit the following statement of additional undisputed material facts in connection with (i) Respondents' Motion for Summary Judgment to vacate the Partial Final Award on Liability (the "PFA") and the Final Award (the "Final Award," and together with the PFA, the "Awards") entered by Arbitrator Mark C. Morril in the arbitration proceeding captioned *GEM Yield Bahamas Limited and GEM Global Yield LLC SCS v. Mullen Technologies, Inc. and Mullen Automotive, Inc.*, AAA Case No. 01-21-0016-7001 (the "Arbitration"); and (ii) Petitioners' Motion for Summary Judgment to confirm the Awards. This statement supplements the Parties' previously filed Joint Rule 56.1 Statement of Undisputed Material Facts (ECF No. 102), and is accompanied by and filed simultaneously with a Supplemental Joint Appendix of

Additional Exhibits (the “Supplemental Appendix” or “Supp. App.”). The undersigned counsel for Petitioners affirms that this filing was approved by Respondents’ counsel.

The Parties note that the previously filed Joint Statement contains selected excerpts of documents issued in the Arbitration. By including these excerpts, the Parties did not agree, and did not intend to indicate to the Court, that such excerpts are the only relevant portions of the cited documents. The Parties agree that such Arbitration documents speak for themselves, and that they should be considered by the Court in their entirety.

### **SUPPLEMENTAL UNDISPUTED MATERIAL FACTS**

#### **Expert Reports**

55. On November 2, 2022, the Parties exchanged expert reports in the Arbitration.
56. Specifically, Petitioners submitted an expert report from Dr. Josh Schaeffer, and Respondents submitted an expert report from Dr. Ryan Bubb, Esq. (*See* Supp. App. Exs. 30-31.)
57. On November 11, 2022, the Parties exchanged rebuttal reports prepared by their respective experts. (*See* Supp. App. Exs. 32-33.)
58. On January 9, 2023, pursuant to the Parties’ December 1, 2022, stipulation (*see* App. Ex. 13 at ¶¶ 2, 4), the Parties submitted their respective expert reports to the Arbitrator.

Dated: New York, New York  
August 7, 2024

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